

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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|-------------------------|---|----------------|
| MARY J. SCOTT, PRO SE, | : | CIVIL ACTION |
| Plaintiff | : | |
| v. | : | |
| COMMONWEALTH OF PA, DPW | : | NO. 02-CV-3799 |
| Defendant | : | |

ORDER

AND NOW, this day of , 2003, upon consideration of the motion to dismiss plaintiff's amended complaint, pursuant to Fed.R.Civ.P. 12(b)(1), 12(b)(5) and 12(b)(6) of the Department of Public Welfare of the Commonwealth of Pennsylvania, plaintiff's response, and defendant's reply, it is hereby ordered and decreed that said motion is granted and the amended complaint is hereby dismissed.

BY THE COURT:

JAN E. DUBOIS, J.

IN THE UNITED STATES DISTRICT COURT
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| Defendant | : | |

REPLY BRIEF IN SUPPORT OF MOTION TO DISMISS AMENDED COMPLAINT

The Pennsylvania Department of Public Welfare of the Commonwealth of Pennsylvania replies to Scott's response to its motion to dismiss her amended complaint, as follows:

The dismissal of the complaint without prejudice to Scott's right to file an amended complaint, asserting a claim of race discrimination under Title VII, does not rely upon any fact that Scott disputes in her response to the pending motion to dismiss her amended complaint. To the extent that Scott's response may be interpreted to include a motion that undersigned counsel, "with the Attorney General Dept. plead no contest," that motion is opposed for the reasons set forth in the pending motion to dismiss the amended complaint. To the extent that her response may be interpreted to include a motion that her amended complaint be "honored by Judge Jan E. DuBois," that motion is unclear. If it requests that her amended complaint not be dismissed, it is opposed for the reasons set forth in the pending motion to dismiss.

Therefore, for all the reasons set forth above and in defendant's motion to dismiss the amended complaint, this Court should dismiss plaintiff's amended complaint.

BY: D. MICHAEL FISHER
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Sue Ann Unger
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Chief Deputy Attorney General
Chief, Litigation Section

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CERTIFICATE OF SERVICE

I, Sue Ann Unger, Senior Deputy Attorney General, hereby certify that a true and accurate copy of the within Reply Brief in Support of Motion to Dismiss Amended Complaint, was mailed on September 10, 2003, by first class mail, postage prepaid to:

Mary J. Scott
1152 E. Phil Ellena Street
Philadelphia, PA 19150-3119

D. MICHAEL FISHER
ATTORNEY GENERAL

BY: _____
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